

Effective 5/10/2016

Chapter 86

State Certification of Commercial Interior Designers Act

Part 1

General Provisions

58-86-101 Title and scope.

- (1) This chapter is known as the "State Certification of Commercial Interior Designers Act."
- (2) Except for those practices specifically described in the definition of practice of commercial interior design in Section 58-86-102, this chapter does not require that a person obtain state certification as a state certified commercial interior designer to engage in an activity traditionally performed by an interior designer or other design professional.
- (3) This chapter does not limit the scope of practice of a person licensed to practice:
 - (a) architecture under Title 58, Chapter 3a, Architects Licensing Act; or
 - (b) professional engineering under Title 58, Chapter 22, Professional Engineers and Professional Land Surveyors Licensing Act.

Enacted by Chapter 294, 2016 General Session

58-86-102 Definitions.

In addition to the definitions in Section 58-1-102, as used in this chapter:

- (1) "Building" means an enclosed structure, including the structural, mechanical, and electrical systems, utility services, and other facilities required for the structure, that has human occupancy or habitation as its principal purpose and is subject to the State Construction Code or an approved code under Title 15A, State Construction and Fire Codes Act.
- (2) "International Building Code" means the edition of the International Building Code, issued by the International Code Council, most recently adopted by the state in Section 15A-2-103.
- (3)
 - (a) "Practice of commercial interior design" means, in relation to obtaining a building permit independent of an architect licensed under Title 58, Chapter 3a, Architects Licensing Act, the preparation of a plan or specification for, or the supervision of new construction, alteration, or repair of, an interior space within a newly constructed or existing building when the core and shell structural elements are not going to be changed.
 - (b) "Practice of commercial interior design" only includes the preparation of a plan or specification for, or the supervision of new construction, alteration, or repair of, a building to be used for the following occupancy groups as described in the International Building Code:
 - (i) B; and
 - (ii) M.
 - (c) "Practice of commercial interior design" does not include:
 - (i) providing commercial construction documents, independent of a licensed architect, for a space that:
 - (A) does not already have base building life safety components installed or designed and permitted, including required exit stairs and enclosures, paths of travel, ramps, horizontal exit passageways, disabled access, fire alarm systems, and base building fire suppression systems; or

- (B) is undergoing a change of occupancy classification as described in the International Building Code; or
- (ii) changes to or the addition of:
 - (A) foundations, beams, trusses, columns, or other primary structural framing members or seismic systems;
 - (B) structural concrete slabs, floor and roof framing structures, or bearing and shear walls;
 - (C) openings in roofs, floors, exterior walls, or bearing and shear walls;
 - (D) exterior doors, windows, awnings, canopies, sunshades, signage, or similar exterior building elements;
 - (E) as described in the International Building Code, life safety equipment, including smoke, fire, or carbon dioxide sensors or detectors, or other overhead building elements;
 - (F) as described in the International Building Code, partial height partitions with mounted or anchored casework, shelving, or equipment;
 - (G) as described in the International Building Code, bracing for partial height partitions if the top of the partition is more than eight feet above the floor; or
 - (H) heating, ventilating, or air conditioning equipment or distribution systems, building management systems, high or medium voltage electrical distribution systems, standby or emergency power systems or distribution systems, plumbing or plumbing distribution systems, fire alarm systems, fire sprinklers systems, security or monitoring systems, or related building systems.
- (4) "State certification" means a designation granted by the division on behalf of the state to an individual who has met the requirements for state certification related to an occupation or profession described in this chapter.
- (5) "State certified" means, when used in conjunction with an occupation or profession described in this chapter, a title that:
 - (a) may be used by a person who has met the state certification requirements related to that occupation or profession described in this chapter; and
 - (b) may not be used by a person who has not met the state certification requirements related to that occupation or profession described in this chapter.
- (6) "Unlawful conduct" means the same as that term is defined in Sections 58-1-501 and 58-86-301.

Enacted by Chapter 294, 2016 General Session

58-86-103 Rulemaking.

When exercising rulemaking authority under this chapter, the division shall comply with the requirements of Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

Enacted by Chapter 294, 2016 General Session

Part 2 State Certification

58-86-201 State certification required.

- (1) State certification is required to engage in the practice of commercial interior design except as specifically provided in Section 58-1-307 or 58-86-206.

- (2) The division shall grant state certification to a person who qualifies under this chapter to engage in the practice of commercial interior design as a state certified commercial interior designer.

Enacted by Chapter 294, 2016 General Session

58-86-202 Qualifications for state certification.

Each applicant for state certification as a state certified commercial interior designer shall:

- (1) submit an application in a form prescribed by the division;
- (2) pay a fee determined by the department under Section 63J-1-504; and
- (3) provide satisfactory evidence of:
 - (a) good moral character; and
 - (b) having qualified to take and having passed the examination of the National Council for Interior Design Qualification, or an equivalent body as determined by division rule.

Enacted by Chapter 294, 2016 General Session

58-86-203 Term of state certification -- Expiration -- Renewal.

- (1)
 - (a) The division shall grant state certification under this chapter in accordance with a two-year renewal cycle established by rule.
 - (b) The division may by rule extend or shorten a renewal period by as much as one year to stagger the renewal cycles it administers.
- (2) At the time of renewal, an applicant for renewal shall:
 - (a) submit an application in a form prescribed by the division;
 - (b) pay a fee determined by the department under Section 63J-1-504; and
 - (c) provide satisfactory evidence of having completed the continuing education requirements described in Section 58-86-204.

Enacted by Chapter 294, 2016 General Session

58-86-204 Continuing education.

- (1) As a condition for the renewal of state certification under this chapter, a state certified commercial interior designer, during each two-year state certification cycle, shall complete 20 hours of continuing education that is offered or approved by the Interior Design Continuing Education Council, or another entity as determined by division rule.
- (2) At least 10 of the continuing education hours described in Subsection (1) shall primarily emphasize health and safety.
- (3) If a renewal cycle is extended or shortened under Section 58-86-203, the continuing education hours required for renewal under this section shall be increased or decreased proportionally.

Enacted by Chapter 294, 2016 General Session

58-86-205 Grounds for denial of state certification -- Disciplinary proceedings.

Grounds for refusing to issue state certification to an applicant, for refusing to renew state certification to an applicant, for revoking, suspending, restricting, or placing on probation the state certification of an individual certified under this chapter, for issuing a public or private reprimand

to an individual certified under this chapter, and for issuing a cease and desist order shall be in accordance with Section 58-1-401.

Enacted by Chapter 294, 2016 General Session

58-86-206 Exemptions from state certification.

In addition to the exemptions from licensure in Section 58-1-307, the following may engage in the stated acts or practices without being a state certified commercial interior designer under this chapter:

- (1) a person licensed to practice architecture under Title 58, Chapter 3a, Architects Licensing Act, practicing architecture or performing architecture acts or interior design;
- (2) a person providing permit drawings, if allowed under Section 58-3a-304 or 58-22-305; and
- (3) a person providing construction related documents not required for a building permit.

Enacted by Chapter 294, 2016 General Session

Part 3 Unlawful Conduct

58-86-301 Unlawful conduct.

"Unlawful conduct" includes:

- (1) using the title "state certified commercial interior designer" if the person is not a state certified commercial interior designer in good standing under this chapter; or
- (2) engaging in the practice of commercial interior design unless exempted from licensure or state certification under Section 58-1-307 or 58-86-206.

Enacted by Chapter 294, 2016 General Session

58-86-302 Penalty for unlawful conduct.

- (1) If upon inspection or investigation the division concludes that a person has violated Subsections 58-1-501(1)(a) through (d), Section 58-86-301, or a rule or order issued with respect to Section 58-86-301, and that disciplinary action is appropriate, the director or the director's designee may:
 - (a) issue a citation to the person according to this chapter and any pertinent rules;
 - (b) attempt to negotiate a stipulated settlement; or
 - (c) notify the person to appear at an adjudicative proceeding conducted under Title 63G, Chapter 4, Administrative Procedures Act.
- (2) A person who violates Subsections 58-1-501(1)(a) through (d), Section 58-86-301, or a rule or order issued with respect to Section 58-86-301, as evidenced by an uncontested citation, a stipulated settlement, or by a finding of violation in an adjudicative proceeding, may be assessed a fine pursuant to this chapter and may, in addition to or in lieu of the fine, be ordered to cease and desist from violating Subsections 58-1-501(1)(a) through (d), Section 58-86-301, or a rule or order issued with respect to Section 58-86-301.
- (3) A citation issued under this chapter shall:
 - (a) be in writing;

- (b) describe with particularity the nature of the violation, including a reference to the provision of the chapter, rule, or order alleged to have been violated;
 - (c) clearly state that the recipient must notify the division in writing within 20 calendar days of service of the citation if the recipient wishes to contest the citation at a hearing conducted under Title 63G, Chapter 4, Administrative Procedures Act; and
 - (d) clearly explain the consequences of failure to timely contest the citation or to make payment of any fines assessed by the citation within the time specified in the citation.
- (4) The division may issue a notice in lieu of a citation.
- (5) A citation issued under this section, or a copy of the citation, may be served upon a person upon whom a summons may be served in accordance with the Utah Rules of Civil Procedure and may be made by mail or may be made personally or upon the person's agent by a division investigator or by a person specially designated by the director.
- (6)
- (a) If within 20 calendar days from the service of the citation the person to whom the citation was issued fails to request a hearing to contest the citation, the citation becomes the final order of the division and is not subject to further agency review.
 - (b) The period to contest a citation may be extended by the division for cause.
- (7) The division may refuse to issue or renew or may suspend, revoke, or place on probation the state certification of a state certified commercial interior designer who fails to comply with a citation after the citation becomes final.
- (8) The failure of an applicant for state certification to comply with a citation after the citation becomes final is a ground for denial of state certification.
- (9) No citation may be issued under this section after the expiration of six months following the occurrence of a violation.
- (10) The director or the director's designee shall assess fines according to the following:
- (a) for a first offense handled pursuant to this section, a fine of up to \$1,000;
 - (b) for a second offense handled pursuant to this section, a fine of up to \$2,000; and
 - (c) for any subsequent offense handled pursuant to this section, a fine of up to \$2,000 for each day of continued offense.
- (11) An action initiated for a first or second offense that has not yet resulted in a final order of the division does not preclude initiation of a subsequent action for a second or subsequent offense during the pendency of a preceding action.
- (12)
- (a) A penalty that is not paid may be collected by the director by either referring the matter to a collection agency or by bringing an action in the district court of the county in which the person against whom the penalty is imposed resides or in the county where the office of the director is located.
 - (b) A county attorney or the attorney general of the state shall provide legal assistance and advice to the director in an action to collect the penalty.
 - (c) In an action brought to enforce the provisions of this section, reasonable attorney fees and costs shall be awarded to the division.

Enacted by Chapter 294, 2016 General Session

Part 4

State Certification Number and Signature

58-86-401 State certification number and signature.

- (1) The division shall provide each state certified commercial interior designer with a certificate number.
- (2) A final plan or specification for the construction of a commercial interior design within a newly constructed or existing building that is prepared by or under the supervision of a state certified commercial interior designer shall bear the signature and the certificate number of the state certified commercial interior designer when submitted to a client or a building official for the purpose of obtaining a building permit.
- (3) A state certified commercial interior designer may only include the designer's signature and certificate number on a final plan or specification that is within the scope of practice of commercial interior design and when the plan or specification:
 - (a) is personally prepared by the certified interior designer;
 - (b) is prepared by an employee, subordinate, associate, or drafter under the direct supervision of the state certified commercial interior designer and the state certified commercial interior designer assumes responsibility for the plan or specification; or
 - (c) is prepared by another state certified commercial interior designer in the state or similarly qualified designer in another state provided that the state certified commercial interior designer attaching the designer's signature and certificate number:
 - (i) performs a thorough review of all work for compliance with all applicable laws, rules, and standards of the profession; and
 - (ii) makes any necessary corrections before submitting the final plan or specification:
 - (A) to a building official for the purpose of obtaining a building permit; or
 - (B) to a client, when the certified commercial interior designer represents, or can reasonably expect the client to consider, the plan or specification to be complete and final.

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